

OPERATING ASSUMPTIONS RELATED TO STORMWATER AND THE ROD

****DRAFT ****

How will EPA evaluate the adequacy of stormwater source control measures, for both the harbor as a whole as well as at individual sites, when issuing the ROD?

At the time that the ROD is issued, EPA will identify stormwater source control as a component of the Remedial Action Objectives and find that, as a whole, stormwater source control measures in the harbor are being adequately and appropriately implemented provided that:

- DEQ is implementing the JSCS in a timely and reasonable manner.
- An administrative framework is in place that will ensure that Portland Harbor stormwater discharges will be perpetually managed to prevent or minimize the risk of recontaminating the harbor. [See detail below.]
- Stormwater sources that are found to pose an unacceptable risk of recontamination following source control efforts (as determined in the RI) will be addressed using DEQ's Clean Up authority and/or EPA's CERCLA authority.

The ROD may identify individual upland sites as sources of contaminants via the stormwater pathway, but the ROD will indicate that these sources are being controlled per the framework referenced above. Non-compliant sites, as described below, may be the exception.

What is the administrative framework?

The administrative framework is a comprehensive strategy for managing stormwater entering PH from the Study Area such that existing and potential sources of PH risk-driving contaminants are controlled via a regulatory mechanism, or, for sources deemed to be insignificant dischargers of contaminants, addressed through appropriate educational or technical assistance efforts, *to eliminate or minimize the exposure of contaminants to storm water or to remove pollutants from stormwater prior to discharge.* [The phrase in italics comes from the 1200Z permit.]

The framework will be designed to ensure that appropriate controls and pollution prevention strategies will be perpetually implemented in the Study Area to achieve the objective stated above. It will embody an adaptive management approach (e.g., periodic review of performance measures and program adjustments in necessary) to ensure that elements of the framework are evaluated and modified as necessary over time.

Regulatory requirements will be centered around stormwater BMPs and industry-standard treatment technologies. To the extent possible, the regulatory requirements will be aligned with Oregon's statewide industrial stormwater permit. If it's necessary to employ additional BMPs or contaminant concentration targets or limits, or extend the requirements to additional businesses, the need for these changes will be based upon Portland Harbor data analysis and an understanding of the nature and extent of stormwater loading.

The framework will include a performance monitoring component to determine whether the control mechanisms are achieving the expected results (i.e., are BMPs being implemented and are they achieving the expected pollutant reductions?).

What is the relationship of the framework to the ROD and RAOs?

The anticipated reduction in contaminant loads from stormwater discharges that will be achieved by implementing the framework will be considered in the evaluation and selection of remedial alternatives. Because of this, implementation of the framework is considered to be essential to achieving the PH RAOs and this will be reflected in the ROD.

How will the effectiveness of the framework be evaluated?

The effectiveness of the stormwater framework relative to PH RAOs is not determined by evaluating the effectiveness of any individual action or program being implemented as part of the framework.*

Rather, if evidence suggests that the framework as a whole is not achieving the expected load reductions, it may be because (1) elements of the framework are not being fully implemented, (2) the expected load reductions were overestimated, or (3) the framework is not sufficiently comprehensive.

If it's determined that the framework is being adequately implemented, then attention turns to the framework itself and the rationale that was used to evaluate it. If this leads to a reevaluation of the framework, this reevaluation should be undertaken in the context of reviewing the suite of source control strategies and remedial alternatives to ensure that a decision to require more stringent stormwater controls is based on an examination of the costs and benefits of alternative remedies.

**[This doesn't mean that the effectiveness of individual actions or programs will not be assessed; that responsibility falls to the implementing agency (i.e., DEQ or COP).]*

What's the process for nailing down the specifics of the administrative framework?

See the Project Map.